

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAMIE GARCIA ALVAREZ, *individually and  
on behalf of others similarly situated*,

Plaintiff,

-against-

DYCKMAN ELECTRONICS CENTER, INC.  
d/b/a DYCKMAN ELECTRONICS, FRONT  
ROW ELECTRONICS d/b/a DYCKMAN  
ELECTRONICS, AVRAHAM OZ, JACKIE  
OZ, NURIEL GUEDALIA, ANGELA  
TORRES,

Defendants.

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1:19-cv-9255-MKV-SN

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On January 21, 2021, Plaintiff's counsel filed a letter informing the Court that the parties had reached a settlement and requesting that the Court adjourn the Pretrial Conference that was scheduled to take place on January 28, 2021 [ECF #42]. The same day, the Court issued an Order granting the parties' request to adjourn the Pretrial Conference, but explaining that, because Plaintiff's complaint asserts claims under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 201 *et seq.*, judicial approval is required for settlement [ECF #43 ("January 21, 2021 Order")]. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015). The Court directed the parties to submit materials in support of their proposed settlement by February 16, 2021, but the parties failed to comply. Accordingly, on February 24, 2021, the Court issued an Order To Show Cause, directing the parties to submit the materials described in the Court's January 21, 2021 Order and directing counsel for the parties to file separate letters explaining why they should not be sanctioned for failing to comply with court orders [ECF #44]. The Court set a filing deadline of March 1, 2021.

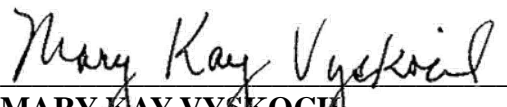
On March 1, 2021, counsel for the parties responded to Court's Order To Show Cause via email, explaining that they were unable to file the documents on ECF at that time. On March 2, 2021, counsel filed the responses on ECF, along with a letter requesting that their submissions be deemed timely [ECF #45, 46, 46]. The Court is aware that problems with ECF prevented parties from filing documents on March 1, 2021 and it deems the submissions in response to the Order To Show Cause timely filed. The Court also declines, at this time, to impose sanctions on counsel for failing to comply with the Court's January 21, 2021 Order.

In their letters, counsel make clear that the parties have not, in fact, reached a settlement. Accordingly, IT IS HEREBY ORDERED that, on April 15, 2021 at 10:00 AM, the parties shall appear for the Pretrial Conference that was previously scheduled to take place in January. The parties shall submit a joint status letter, and describe any trial-related issues, by April 8, 2021 at 10:00 AM. The Pretrial Conference will be held by telephone. To join, dial 888-278-0296 at the scheduled time. When prompted, enter Access Code 5195844.

Counsel and the parties themselves are on notice that failure to comply with court orders may result in sanctions, including monetary sanctions, preclusion of claims and defense, and dismissal of this action.

**SO ORDERED.**

**Date: March 3, 2021  
New York, NY**

  
**MARY KAY VYSKOCIL**  
**United States District Judge**